

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**STEVEN JOHN FONTANOT**  
2491 Larkey Lane  
Walnut Creek, CA 94597

**Registered Nurse License No. 645885**

Respondent

Case No. 2012- 536

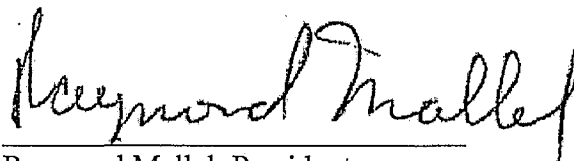
OAH No. 2012030907

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **January 14, 2013.**

IT IS SO ORDERED **December 14, 2012.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **STEVEN JOHN FONTANOT**  
14 **2491 Larkey Lane**  
15 **Walnut Creek, CA 94597**

16 **Registered Nursing License No. 645885**

17 Respondent.

Case No. 2012-536

OAH No. 2012030907

18 **STIPULATED SETTLEMENT AND**  
19 **DISCIPLINARY ORDER**

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
24 Registered Nursing. She brought this action solely in her official capacity and is represented in  
25 this matter by Kamala D. Harris, Attorney General of the State of California, by Char Sachson,  
26 Deputy Attorney General.

27 2. Respondent Steven John Fontanot (Respondent) is representing himself in this  
28 proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about October 4, 2004, the Board of Registered Nursing issued Registered  
Nursing License No. 645885 to Steven John Fontanot (Respondent). The Registered Nursing

1 License was in full force and effect at all times relevant to the charges brought in Accusation No.  
2 2012-536 and will expire on August 31, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2012-536 was filed before the Board of Registered Nursing (Board),  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on March 8,  
7 2012. Respondent timely filed his Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 2012-536 is attached as exhibit A and incorporated herein  
9 by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, and understands the charges and allegations in  
12 Accusation No. 2012-536. Respondent has also carefully read, and understands the effects of this  
13 Stipulated Settlement and Disciplinary Order.

14 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
18 the attendance of witnesses and the production of documents; the right to reconsideration and  
19 court review of an adverse decision; and all other rights accorded by the California  
20 Administrative Procedure Act and other applicable laws.

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

23 CULPABILITY

24 9. Respondent admits the truth of each and every charge and allegation in Accusation  
25 No. 2012-536.

26 10. Respondent agrees that his Registered Nursing License is subject to discipline and he  
27 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

28 ///

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nursing License No. 645885 issued to Respondent Steven John Fontanot (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

**Severability Clause.** Each condition of probation contained herein is a separate and

1 distinct condition. If any condition of this Order, or any application thereof, is declared  
2 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
3 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
4 and enforceable to the fullest extent permitted by law.

5       1.     **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and  
6 detailed account of any and all violations of law shall be reported by Respondent to the Board in  
7 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with  
8 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within  
9 45 days of the effective date of the decision, unless previously submitted as part of the licensure  
10 application process.

11       **Criminal Court Orders:** If Respondent is under criminal court orders, including  
12 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
13 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

14       2.     **Comply with the Board's Probation Program.** Respondent shall fully comply with  
15 the conditions of the Probation Program established by the Board and cooperate with  
16 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
17 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
18 more than 15 days of any address change and shall at all times maintain an active, current license  
19 status with the Board, including during any period of suspension.

20       Upon successful completion of probation, Respondent's license shall be fully restored.

21       3.     **Report in Person.** Respondent, during the period of probation, shall appear in  
22 person at interviews/meetings as directed by the Board or its designated representatives.

23       4.     **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
24 practice as a registered nurse outside of California shall not apply toward a reduction of this  
25 probation time period. Respondent's probation is tolled, if and when he resides outside of  
26 California. Respondent must provide written notice to the Board within 15 days of any change of  
27 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
28 returning to practice in this state.

Respondent shall provide a list of all states and territories where he has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing license during the term of probation.

5. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which he has a registered nurse license.

6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

7. **Employment Approval and Reporting Requirements.** Respondent shall obtain

1 prior approval from the Board before commencing or continuing any employment, paid or  
2 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
3 performance evaluations and other employment related reports as a registered nurse upon request  
4 of the Board.

5 Respondent shall provide a copy of this Decision to his employer and immediate  
6 supervisors prior to commencement of any nursing or other health care related employment.

7 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
8 (72) hours after he obtains any nursing or other health care related employment. Respondent  
9 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,  
10 regardless of cause, from any nursing, or other health care related employment with a full  
11 explanation of the circumstances surrounding the termination or separation.

12 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
13 Respondent's level of supervision and/or collaboration before commencing or continuing any  
14 employment as a registered nurse, or education and training that includes patient care.

15 Respondent shall practice only under the direct supervision of a registered nurse in good  
16 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
17 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
18 approved.

19 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
20 following:

21 (a) Maximum - The individual providing supervision and/or collaboration is present in  
22 the patient care area or in any other work setting at all times.

23 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
24 care unit or in any other work setting at least half the hours Respondent works.

25 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
26 person communication with Respondent at least twice during each shift worked.

27 (d) Home Health Care - If Respondent is approved to work in the home health care  
28 setting, the individual providing supervision and/or collaboration shall have person-to-person

1 communication with Respondent as required by the Board each work day. Respondent shall  
2 maintain telephone or other telecommunication contact with the individual providing supervision  
3 and/or collaboration as required by the Board during each work day. The individual providing  
4 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
5 patients' homes visited by Respondent with or without Respondent present.

6       **9. Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
7 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
8 or for an in-house nursing pool.

9       Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
10 registered nursing supervision and other protections for home visits have been approved by the  
11 Board. Respondent shall not work in any other registered nursing occupation where home visits  
12 are required.

13       Respondent shall not work in any health care setting as a supervisor of registered nurses.  
14 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
15 and/or unlicensed assistive personnel on a case-by-case basis.

16       Respondent shall not work as a faculty member in an approved school of nursing or as an  
17 instructor in a Board approved continuing education program.

18       Respondent shall work only on a regularly assigned, identified and predetermined  
19 worksite(s) and shall not work in a float capacity.

20       If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
21 request documentation to determine whether there should be restrictions on the hours of work.

22       **10. Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and  
23 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
24 months prior to the end of his probationary term.

25       Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
26 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
27 above required course(s). The Board shall return the original documents to Respondent after  
28 photocopying them for its records.



1           **11. Cost Recovery.** Respondent shall pay to the Board costs associated with its  
2 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
3 amount of \$1,275.00. Respondent shall be permitted to pay these costs in a payment plan  
4 approved by the Board, with payments to be completed no later than three months prior to the end  
5 of the probation term.

6           If Respondent has not complied with this condition during the probationary term, and  
7 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
8 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
9 extension of Respondent's probation period up to one year without further hearing in order to  
10 comply with this condition. During the one year extension, all original conditions of probation  
11 will apply.

12           **12. Violation of Probation.** If Respondent violates the conditions of his probation, the  
13 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
14 and impose the stayed discipline (revocation/suspension) of Respondent's license.

15           If during the period of probation, an accusation or petition to revoke probation has been  
16 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
17 an accusation or petition to revoke probation against Respondent's license, the probationary  
18 period shall automatically be extended and shall not expire until the accusation or petition has  
19 been acted upon by the Board.

20           **13. License Surrender.** During Respondent's term of probation, if he ceases practicing  
21 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
22 Respondent may surrender his license to the Board. The Board reserves the right to evaluate  
23 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
24 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
25 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
26 subject to the conditions of probation.

27           Surrender of Respondent's license shall be considered a disciplinary action and shall  
28 become a part of Respondent's license history with the Board. A registered nurse whose license

has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

14. **Physical Examination.** Within 45 days of the effective date of this Decision, Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the Respondent's physical condition and capability to perform the duties of a registered nurse, including a determination as set forth below in the condition titled "Rule-Out Substance Abuse Assessment." Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the Respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required until the Board has notified Respondent that a medical determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts

1 by Respondent to obtain the assessment, and a specific date for compliance must be provided.

2 Only one such waiver or extension may be permitted.

3       **15. Mental Health Examination.** Respondent shall, within 45 days of the effective date  
4 of this Decision, have a mental health examination including psychological testing as appropriate  
5 to determine his capability to perform the duties of a registered nurse, including a determination  
6 as set forth below in the condition titled "Rule-Out Substance Abuse Assessment." The  
7 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
8 practitioner approved by the Board. The examining mental health practitioner will submit a  
9 written report of that assessment and recommendations to the Board. All costs are the  
10 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
11 result of the mental health examination will be instituted and followed by Respondent.

12       If Respondent is determined to be unable to practice safely as a registered nurse, the  
13 licensed mental health care practitioner making this determination shall immediately notify the  
14 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
15 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
16 practice and may not resume practice until notified by the Board. During this period of  
17 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
18 is required, until the Board has notified Respondent that a mental health determination permits  
19 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
20 probationary time period.

21       If Respondent fails to have the above assessment submitted to the Board within the 45-day  
22 requirement, Respondent shall immediately cease practice and shall not resume practice until  
23 notified by the Board. This period of suspension will not apply to the reduction of this  
24 probationary time period. The Board may waive or postpone this suspension only if significant,  
25 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
26 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
27 Only one such waiver or extension may be permitted.

28 ///

1           16. **Rule-Out Substance Abuse Assessment.** If the examiner conducting the physical  
2 and/or mental health examination determines that the respondent is dependent upon drugs or  
3 alcohol, or has had problems with drugs or alcohol (i.e. drug dependence in remission or alcohol  
4 dependence in remission), that might reasonably affect the safe practice of nursing, then the  
5 respondent must further comply with the following additional terms and conditions of probation:

6           A. **Participate in Treatment/Rehabilitation Program for Chemical**

7 **Dependence.** Respondent, at his expense, shall successfully complete during the  
8 probationary period or shall have successfully completed prior to commencement  
9 of probation a Board-approved treatment/rehabilitation program of at least six  
10 months duration. As required, reports shall be submitted by the program on forms  
11 provided by the Board. If Respondent has not completed a Board-approved  
12 treatment/rehabilitation program prior to commencement of probation,  
13 Respondent, within 45 days from the effective date of the decision, shall be  
14 enrolled in a program. If a program is not successfully completed within the first  
15 nine months of probation, the Board shall consider Respondent in violation of  
16 probation.

17           Based on Board recommendation, each week Respondent shall be required  
18 to attend at least one, but no more than five 12-step recovery meetings or  
19 equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse  
20 support group as approved and directed by the Board. If a nurse support group is  
21 not available, an additional 12-step meeting or equivalent shall be added.

22 Respondent shall submit dated and signed documentation confirming such  
23 attendance to the Board during the entire period of probation. Respondent shall  
24 continue with the recovery plan recommended by the treatment/rehabilitation  
25 program or a licensed mental health examiner and/or other ongoing recovery  
26 groups.

27           B. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
28 shall completely abstain from the possession, injection or consumption by any

1 route of all controlled substances and all psychotropic (mood altering) drugs,  
2 including alcohol, except when the same are ordered by a health care professional  
3 legally authorized to do so as part of documented medical treatment. Respondent  
4 shall have sent to the Board, in writing and within fourteen (14) days, by the  
5 prescribing health professional, a report identifying the medication, dosage, the  
6 date the medication was prescribed, the Respondent's prognosis, the date the  
7 medication will no longer be required, and the effect on the recovery plan, if  
8 appropriate.

9 Respondent shall identify for the Board a single physician, nurse  
10 practitioner or physician assistant who shall be aware of Respondent's history of  
11 substance abuse and will coordinate and monitor any prescriptions for Respondent  
12 for dangerous drugs, controlled substances or mood-altering drugs. The  
13 coordinating physician, nurse practitioner, or physician assistant shall report to the  
14 Board on a quarterly basis Respondent's compliance with this condition. If any  
15 substances considered addictive have been prescribed, the report shall identify a  
16 program for the time limited use of any such substances.

17 The Board may require the single coordinating physician, nurse  
18 practitioner, or physician assistant to be a specialist in addictive medicine, or to  
19 consult with a specialist in addictive medicine.

20 **C. Submit to Tests and Samples.** Respondent, at his expense, shall  
21 participate in a random, biological fluid testing or a drug screening program which  
22 the Board approves. The length of time and frequency will be subject to approval  
23 by the Board. Respondent is responsible for keeping the Board informed of  
24 Respondent's current telephone number at all times. Respondent shall also ensure  
25 that messages may be left at the telephone number when he is not available and  
26 ensure that reports are submitted directly by the testing agency to the Board, as  
27 directed. Any confirmed positive finding shall be reported immediately to the  
28 Board by the program and Respondent shall be considered in violation of

1 probation.

2 In addition, Respondent, at any time during the period of probation, shall  
3 fully cooperate with the Board or any of its representatives, and shall, when  
4 requested, submit to such tests and samples as the Board or its representatives may  
5 require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other  
6 controlled substances.

7 If Respondent has a positive drug screen for any substance not legally  
8 authorized and not reported to the coordinating physician, nurse practitioner, or  
9 physician assistant, and the Board files a petition to revoke probation or an  
10 accusation, the Board may suspend Respondent from practice pending the final  
11 decision on the petition to revoke probation or the accusation. This period of  
12 suspension will not apply to the reduction of this probationary time period.

13 If Respondent fails to participate in a random, biological fluid testing or  
14 drug screening program within the specified time frame, Respondent shall  
15 immediately cease practice and shall not resume practice until notified by the  
16 Board. After taking into account documented evidence of mitigation, if the Board  
17 files a petition to revoke probation or an accusation, the Board may suspend  
18 Respondent from practice pending the final decision on the petition to revoke  
19 probation or the accusation. This period of suspension will not apply to the  
20 reduction of this probationary time period.

21 **D. Therapy or Counseling Program.** Respondent, at his expense, shall  
22 participate in an on-going counseling program until such time as the Board  
23 releases him from this requirement and only upon the recommendation of the  
24 counselor. Written progress reports from the counselor will be required at various  
25 intervals.

26 ACCEPTANCE

27 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
28 stipulation and the effect it will have on my Registered Nursing License. I enter into this

1 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
2 to be bound by the Decision and Order of the Board of Registered Nursing.

3  
4 DATED: 7-27-12

Steven John Fontanot  
STEVEN JOHN FONTANOT  
Respondent

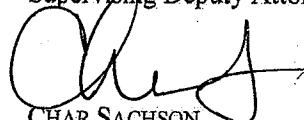
6  
7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
9 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
10 Affairs.

11  
12 Dated: 9/13/12

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General

  
CHAR SACHSON  
Deputy Attorney General  
Attorneys for Complainant

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20 SF2012401489  
21 Stipulation.rtf

**Exhibit A**

**Accusation No. 2012-536**

SEP 11 AM 1:03



1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 CHAR SACHSON  
Deputy Attorney General  
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*Attorneys for Complainant*

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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2012-536**

12 **STEVEN JOHN FONTANOT**  
13 **2491 Larkey Lane**  
**Walnut Creek, CA 94597**

**ACCUSATION**

14 **Registered Nursing License No. 645885**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about October 4, 2004, the Board of Registered Nursing issued Registered  
23 Nursing License Number 645885 to Steven John Fontanot (Respondent). The Registered Nursing  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on August 31, 2012, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),  
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
5 Nursing Practice Act.

6 5. Section 2761 of the Code states:

7 "The board may take disciplinary action against a certified or licensed nurse or deny an  
8 application for a certificate or license for any of the following:

9 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

10 ...  
11 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
12 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
13 conclusive evidence thereof.

14 ..."  
15 6. Section 2762 of the Code states:

16 "In addition to other acts constituting unprofessional conduct within the meaning of this  
17 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
18 chapter to do any of the following:

19 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
20 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
21 administer to another, any controlled substance as defined in Division 10 (commencing with  
22 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
23 defined in Section 4022.

24 "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
25 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
26 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
27 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
28 ability to conduct with safety to the public the practice authorized by his or her license.

1       "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
2 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
3 or the possession of, or falsification of a record pertaining to, the substances described in  
4 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
5 thereof.

6       "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of  
7 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this  
8 section, in which event the court order of commitment or confinement is prima facie evidence of  
9 such commitment or confinement.

10       "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any  
11 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this  
12 section."

13       7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
14 revoke a license on the ground that the licensee has been convicted of a crime substantially  
15 related to the qualifications, functions, or duties of the business or profession for which the  
16 license was issued.

17       8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
18 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
19 licensee or to render a decision imposing discipline on the license.

20       9. Section 118, subdivision (b), of the Code provides that the expiration of a license  
21 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
22 within which the license may be renewed, restored, reissued or reinstated.

#### 23                                   COST RECOVERY

24       10. Section 125.3 of the Code provides, in pertinent part, that the  
25 Board/Registrar/Director may request the administrative law judge to direct a licensee found to  
26 have committed a violation or violations of the licensing act to pay a sum not to exceed the  
27 reasonable costs of the investigation and enforcement of the case.

1 FIRST CAUSE FOR DISCIPLINE

2 (CRIMINAL CONVICTION)

3 11. Respondent is subject to disciplinary action under sections 2761(a), 2761(f), 2762(c),  
4 and/or 490 in that on or about October 25, 2010, in a criminal proceeding entitled *The People of*  
5 *the State of California v. Steven John Fontenot* in Contra Costa County Superior Court, Case  
6 Number 5-091157-8, Respondent was convicted by his plea of no contest of violating Vehicle  
7 Code section 23152(b) (driving with .08% or more blood alcohol). Respondent was sentenced to  
8 probation for three years, two days jail time, to complete a First Offender Alcohol Program, and  
9 ordered to pay fines in the amount of \$1,906.00. The circumstances of the conviction are that on  
10 or about March 18, 2009, on Highway 680 in Pleasant Hill, California, Respondent was arrested  
11 for drunk driving after he caused a roll-over accident. Respondent entered the freeway and  
12 drifted to the left; he over-corrected by turning to the right and caused his vehicle to go off the  
13 freeway, rolling over and colliding with a fire hydrant. Respondent's passenger was ejected from  
14 the vehicle and injured. Respondent's blood alcohol measured .11%.

15 SECOND CAUSE FOR DISCIPLINE

16 (USING ALCOHOL IN A MANNER DANGEROUS TO SELF OR OTHERS)

17 12. Respondent is subject to disciplinary action under section 2762(b) in that on or about  
18 March 18, 2009, on Highway 680 in Pleasant Hill, California, Respondent was arrested for drunk  
19 driving after he caused a roll-over accident. Respondent entered the freeway and drifted to the  
20 left; he over-corrected by turning to the right and caused his vehicle to go off the freeway, rolling  
21 over and colliding with a fire hydrant. Respondent's passenger was ejected from the vehicle and  
22 injured. Respondent's blood alcohol measured .11%.

23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26 1. Revoking or suspending Registered Nursing License Number 645885, issued to  
27 Steven John Fontanot;

28 3/13/2011 11:18:03

1           2.     Ordering Steven John Fontanot to pay the Board of Registered Nursing the reasonable  
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
3 Code section 125.3;

4           3.     Taking such other and further action as deemed necessary and proper.  
5  
6

7  
8 DATED:

March 8, 2012

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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